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Sens. Stamas, Birkholz legislation to protect residential care residents sent to governor

LANSING – Legislation designed to protect senior citizens and vulnerable individuals in residential care facilities has been sent to the governor, said state Sens. Tony Stamas and Patty Birkholz.

The two-bill package would require residential care facilities across the state to conduct criminal background checks of all potential employees, as well as obtain fingerprints on all current employees to be entered into a database.

"Everyone has a right to feel safe in the place they call home," said Stamas, R-Midland. "It's common sense that we would require background checks on employees who work with some of our most vulnerable residents. I hope the governor will sign these vital bills into law."

Sponsored by Stamas and Birkholz, Senate Bills 621 and 622 would amend the Adult Foster Care Facility Licensing Act and the Public Health Code to restrict the individuals who have regular direct access or provide direct services to patients or adult foster care facility residents.

"Family members who entrust their loved one's care to a stranger should be assured the caregiver is an upstanding citizen," said Birkholz, R-Saugatuck Township. "Providing this extra layer of protection will help ease concerns of both residents and their families."

Under SB 622 an individual cannot work, independently contract or be granted clinical privileges in an adult foster care facility if convicted of a violent felony, unless 15 years have lapsed since all terms and conditions of the sentence, parole and probation were completed. Employing individuals convicted of certain violent misdemeanors within the past 10 years would also be prohibited. Other offenses are also prohibited for various periods.

If signed into law, SB 621 would essentially do the same for health care facilities or agencies, including nursing homes, county medical care facilities, hospices, hospitals that provide swing bed services, homes for the aged and home health agencies.

The bills also establish penalties for licensees, owners, administrators or operators of long-term care facilities that knowingly and willfully fail to conduct criminal history checks. Failure to conduct a background check could result in a misdemeanor punishable by imprisonment for up to a year or a fine of \$5,000, or both.

Attorney General Mike Cox recently released the results of a study revealing that almost 10 percent of residential care employees have criminal backgrounds.

"Michigan's population is growing older so we need better tools to safeguard and prevent potential harm," said Cox. "This common sense legislation is needed now more than ever. It is critical that this legislation becomes law."

The study also revealed that since 2002, about 25 percent of the residential care facility employees who committed crimes against residents had past criminal convictions.

Approximately 100,000 Michigan residents receive care in one of about 5,000 residential care facilities across the state.

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